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AURORA LOAN SERVICES LLC

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

MARIA R. METCALF and DENNIS R.  
GRAY,

Plaintiffs,

v.

DREXEL LENDING GROUP, a California  
corporation, AURORA LOAN SERVICES  
LLC, a California limited liability company,  
and ROBERT E. WEISS INCORPORATED, a  
California corporation,

Defendants.

Case No. 3:08-cv-00731-W-POR

**DEFENDANT AURORA LOAN  
SERVICES LLC'S NOTICE OF  
MOTION AND MOTION TO DISMISS  
PLAINTIFFS FIRST AMENDED  
COMPLAINT AND ALTERNATIVELY  
FOR A MORE DEFINITE STATEMENT**

Date: September 15, 2008  
Time: 9:30 a.m.  
Courtroom: 7

**NO ORAL ARGUMENT WILL BE  
HEARD [CivLR 7.1(d)1]**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 15, 2008, or as soon thereafter as the matter may be heard in the above-entitled court, located at 940 Front Street, San Diego, California 92101-8900, defendant AURORA LOAN SERVICES LLC ("Aurora") will move the court to dismiss the action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that: Plaintiff Dennis Gray lacks standing and the First Amended Complaint by both Plaintiffs fails to state a claim upon which relief can be granted. In the alternative, Aurora will move the court to order Plaintiffs to make a more definite statement pursuant to Federal Rule of Civil Procedure 12(e).

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1 The motion will be based on this Notice of Motion and Motion, the Memorandum of Points  
2 and Authorities filed herewith, the Request for Judicial Notice and all the pleadings and papers filed  
3 previously in this case.

4  
5 Dated: August 8, 2008

PITE DUNCAN, LLP

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8 By: /s/ Thomas N. Abbott  
9 THOMAS N. ABBOTT  
10 Attorneys for Defendant  
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